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TITLE H.R. 998: A Bill to Provide That Local Educational Agencies Shall Not Receive Federal Financial Assistance Unless They Provide Educational Services to All Handicapped Children at Levels of Expenditure at Least Equal to Expenditures for Other Children.

INSTITUTION Congress of the U.S., Washington, D.C. House Committee on Education and Labor.

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ABSTRACT

Presented is the text of H.R. 998, an amendment to the Education of the Handicapped Act. The bill focuses on provision of appropriate educational services to handicapped children and civil action for withholding of federal financial assistance. (SBH)

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95TH CONGRESS
1ST SESSION

H. R. 998

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1977

Mr. MURPHY of New York introduced the following bill; which was referred
to the Committee on Education and Labor

A BILL

To provide that local educational agencies shall not receive Federal financial assistance unless they provide educational services to all handicapped children at levels of expenditure at least equal to expenditures for other children.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Education of the Handicapped Act is amended by
4 adding at the end thereof a new part H as follows:

5 "PART H—EDUCATIONAL SERVICES FOR HANDICAPPED
6 CHILDREN

7 "PROVISION OF APPROPRIATE EDUCATIONAL SERVICES TO
8 HANDICAPPED CHILDREN

9 "SEC. 671. (a) Federal financial assistance which the
10 Commissioner is otherwise authorized to extend to a local

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1 educational agency by way of grant, loan, or contract, other
 2 than a contract of insurance or guarantee, shall not be granted
 3 or continued to any local educational agency which does not
 4 provide educational services to handicapped children within
 5 its jurisdiction.

6 “(b) For purposes of this section, the term ‘educational
 7 services to handicapped children’ means such services as are
 8 provided by a local educational agency, either directly
 9 through public elementary or secondary schools, or indirectly
 10 through programs in cooperation with a State educational
 11 agency or other State agency, with one or more other local
 12 educational agencies, or with private institutions, which are
 13 appropriate to the educational needs of handicapped children,
 14 at levels of expenditure at least equal to such agency’s ex-
 15 penditures for other children in public elementary or second-
 16 ary schools within its jurisdiction, as determined by the head
 17 of the bureau for the education and training of the handi-
 18 capped established under section 603.

19 “CIVIL ACTION FOR WITHHOLDING OF FEDERAL FINANCIAL

20 ASSISTANCE

21 “SEC. 672. (a) A parent (including any person stand-
 22 ing in loco parentis) of a handicapped child within the juris-
 23 diction of a local educational agency receiving Federal finan-
 24 cial assistance in violation of section 671 (a) may institute a
 25 civil action in an appropriate district court of the United

1 States against such parties as may be appropriate. If the
2 court finds that such agency is receiving Federal financial
3 assistance in violation of such section, the court shall order
4 the Commissioner to refrain from granting or continuing
5 such assistance until such time as such assistance will no
6 longer constitute a violation of such section. The court may,
7 in its discretion, stay the taking effect of such order for no
8 more than one year from the date of such findings, if the
9 court finds that such agency is making a determined effort
10 to provide educational services to handicapped children, as
11 defined in section 671 (b).

12 “(b) Each district court of the United States shall have
13 jurisdiction of actions brought under subsection (a).

14 “(c) In any civil action instituted under subsection (a),
15 the court, in its discretion, may allow the prevailing party,
16 other than the United States, a reasonable attorneys’ fee
17 as part of the costs, and the United States shall be liable
18 for costs to the same extent as a private person.”

**95TH CONGRESS
1ST Session**

H. R. 998

A BILL

To provide that local educational agencies shall not receive Federal financial assistance unless they provide educational services to all handicapped children at levels of expenditure at least equal to expenditures for other children.

By Mr. MURPHY of New York

JANUARY 4, 1977

Referred to the Committee on Education and Labor